

COMMITTEE ON LAND, AGRICULTURE & RURAL AFFAIRS
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1170
(Reference to Senate engrossed bill)

1 Page 1, line 43, after the period insert "THE COMMISSION MAY LIMIT THE NUMBER OR
2 USE OF LICENSES THAT ARE ISSUED TO NONRESIDENTS OR PERMITS THAT ARE ISSUED
3 TO NONRESIDENTS AND THAT ARE NOT ISSUED IN A RANDOM DRAWING."

4 Page 3, after line 45, insert:

5 "Sec. 4. Section 41-1005, Arizona Revised Statutes, is amended to
6 read:

7 41-1005. Exemptions

8 A. This chapter does not apply to any:

9 1. Rule that relates to the use of public works, including streets
10 and highways, under the jurisdiction of an agency if the effect of the
11 order is indicated to the public by means of signs or signals.

12 2. Order or rule of the Arizona game and fish commission that does
13 the following:

14 (a) Opens, closes or alters seasons or establishes bag or possession
15 limits for wildlife.

16 (b) Establishes a fee pursuant to section 5-321, 5-322 or 5-327.

17 (c) Establishes a license classification, fee or application fee
18 pursuant to title 17, chapter 3, article 2.

19 (d) LIMITS THE NUMBER OR USE OF LICENSES OR PERMITS THAT ARE ISSUED
20 TO NONRESIDENTS PURSUANT TO SECTION 17-332.

- 1 3. Rule relating to section 28-641 or to any rule regulating motor
2 vehicle operation that relates to speed, parking, standing, stopping or
3 passing enacted pursuant to title 28, chapter 3.
- 4 4. Rule concerning only the internal management of an agency that
5 does not directly and substantially affect the procedural or substantive
6 rights or duties of any segment of the public.
- 7 5. Rule that only establishes specific prices to be charged for
8 particular goods or services sold by an agency.
- 9 6. Rule concerning only the physical servicing, maintenance or care
10 of agency owned or operated facilities or property.
- 11 7. Rule or substantive policy statement concerning inmates or
12 committed youths of a correctional or detention facility in secure custody
13 or patients admitted to a hospital, if made by the state department of
14 corrections, the department of juvenile corrections, the board of executive
15 clemency or the department of health services or a facility or hospital
16 under the jurisdiction of the state department of corrections, the
17 department of juvenile corrections or the department of health services.
- 18 8. Form whose contents or substantive requirements are prescribed by
19 rule or statute, and instructions for the execution or use of the form.
- 20 9. Capped fee-for-service schedule adopted by the Arizona health
21 care cost containment system administration pursuant to title 36,
22 chapter 29.
- 23 10. Fees prescribed by section 6-125.
- 24 11. Order of the director of water resources adopting or modifying a
25 management plan pursuant to title 45, chapter 2, article 9.
- 26 12. Fees established under section 3-1086.
- 27 13. Fees established under sections 41-4010 and 41-4042.
- 28 14. Rule or other matter relating to agency contracts.

1 15. Fees established under section 32-2067 or 32-2132.

2 16. Rules made pursuant to section 5-111, subsection A.

3 17. Rules made by the Arizona state parks board concerning the
4 operation of the Tonto natural bridge state park, the facilities located in
5 the Tonto natural bridge state park and the entrance fees to the Tonto
6 natural bridge state park.

7 18. Fees or charges established under section 41-511.05.

8 19. Emergency medical services protocols except as provided in
9 section 36-2205, subsection B.

10 20. Fee schedules established pursuant to section 36-3409.

11 21. Procedures of the state transportation board as prescribed in
12 section 28-7048.

13 22. Rules made by the state department of corrections.

14 23. Fees prescribed pursuant to section 32-1527.

15 24. Rules made by the department of economic security pursuant to
16 section 46-805.

17 25. Schedule of fees prescribed by section 23-908.

18 26. Procedure that is established pursuant to title 23, chapter 6,
19 article 6.

20 27. Rules, administrative policies, procedures and guidelines
21 adopted for any purpose by the Arizona commerce authority pursuant to
22 chapter 10 of this title if the authority provides, as appropriate under
23 the circumstances, for notice of an opportunity for comment on the proposed
24 rules, administrative policies, procedures and guidelines.

25 28. Rules made by a marketing commission or marketing committee
26 pursuant to section 3-414.

27 29. Administration of public assistance program monies authorized
28 for liabilities that are incurred for disasters declared pursuant to
29 sections 26-303 and 35-192.

1 30. User charges, tolls, fares, rents, advertising and sponsorship
2 charges, services charges or similar charges established pursuant to
3 section 28-7705.

4 31. Administration and implementation of the hospital assessment
5 pursuant to section 36-2901.08, except that the Arizona health care cost
6 containment system administration must provide notice and an opportunity
7 for public comment at least thirty days before establishing or implementing
8 the administration of the assessment.

9 32. Rules made by the Arizona department of agriculture to adopt and
10 implement the provisions of the federal milk ordinance as prescribed by
11 section 3-605.

12 33. Rules made by the Arizona department of agriculture to adopt,
13 implement and administer the United States food and drug administration
14 produce safety rule (21 Code of Federal Regulations part 112) and any other
15 federal produce safety regulation, order or guideline or other requirement
16 adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21
17 United States Code sections 2201 through 2252) as provided by title 3,
18 chapter 3, article 4.1.

19 34. Calculations **THAT ARE** performed by the department of economic
20 security **AND THAT ARE** associated with the adjustment of the sliding fee
21 scale and formula for determining child care assistance pursuant to section
22 46-805.

23 B. Notwithstanding subsection A, paragraph 21 of this section, ~~at~~
24 ~~such time as~~ **IF** the federal highway administration authorizes the
25 privatization of rest areas, the state transportation board shall make
26 rules governing the lease or license by the department of transportation to
27 a private entity for the purposes of privatization of a rest area.

28 C. Coincident with the making of a final rule pursuant to an
29 exemption from the applicability of this chapter under this section,
30 another statute or session law, the agency shall:

1 1. Prepare a notice and follow formatting guidelines prescribed by
2 the secretary of state.

3 2. Prepare the rulemaking exemption notices pursuant to chapter 6.2
4 of this title.

5 3. File a copy of the rule with the secretary of state for
6 publication pursuant to section 41-1012 and provide a copy to the council.

7 D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
8 chapter do not apply to the Arizona board of regents and the institutions
9 under its jurisdiction, except that the Arizona board of regents shall make
10 policies or rules for the board and the institutions under its jurisdiction
11 that provide, as appropriate under the circumstances, for notice of and
12 opportunity for comment on the policies or rules proposed.

13 E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
14 chapter do not apply to the Arizona state schools for the deaf and the
15 blind, except that the board of directors of all the state schools for the
16 deaf and the blind shall adopt policies for the board and the schools under
17 its jurisdiction that provide, as appropriate under the circumstances, for
18 notice of and opportunity for comment on the policies proposed for
19 adoption.

20 F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
21 chapter do not apply to the state board of education, except that the state
22 board of education shall adopt policies or rules for the board and the
23 institutions under its jurisdiction that provide, as appropriate under the
24 circumstances, for notice of and opportunity for comment on the policies or
25 rules proposed for adoption. In order to implement or change any rule, the
26 state board of education shall provide at least two opportunities for
27 public comment. The state board of education shall consider the fiscal
28 impact of any proposed rule pursuant to this subsection.

29 G. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
30 chapter do not apply to the state board for charter schools, except that
31 the board shall adopt policies or rules for the board and the charter
32 schools sponsored by the board that provide, as appropriate under the

1 circumstances, for notice of and opportunity for comment on the policies or
2 rules proposed for adoption. In order to implement or change any policy or
3 rule, the board shall provide at least two opportunities for public
4 comment. The state board for charter schools shall consider the fiscal
5 impact of any proposed rule pursuant to this subsection."
6 Amend title to conform

TIM DUNN
CHAIRMAN

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03/14/2022
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